

**THE HONOURABLE SRI JUSTICE**

**R. SUBHASH REDDY**

**WRIT PETITION NO.19115 OF 1996**

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**ORDER:**

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This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in not re-determining the market value for the acquired lands of the petitioners, admeasuring Ac.1.50 cents, situated in Sy.Nos. 100/1, 100/2 and 100/5 of Unduru Village, East Godavari District, as illegal and arbitrary.

It is the case of the petitioners that their lands admeasuring Ac.1.50 cents, situated in Sy.Nos. 100/1, 100/2 and 100/5 of Unduru Village, East Godavari District were notified under the provisions of the Land Acquisition Act, 1894, and, Award was passed in Award No. 5 of 1979, on 19-1-1979. On an application filed by some others, whose lands were covered by the same notification, reference was made to the Civil Court and, by judgment and decree dated 16/11/1982 in O.P.No. 129 of 1979, the Reference Court enhanced the market value of the land from Rs.15,000/- to Rs.18,000/-. Further, on appeal, preferred by the claimants in A.S.Nos. 293 of 1984 and batch, this Court by judgment and decree dated 5-7-1989 enhanced the market value of the acquired land from Rs.18,000/- to Rs.25,000/-. It is the further case of the petitioners that though they have submitted an application on 28-5-1991, in terms of Section 28-A of the Land Acquisition Act, 1894, to re-determine the

market value of the acquired land in the light of the judgment and decree of this Court dated 5-7-1989, there is no response from the respondents. Hence this Writ Petition..

It is to be seen, to re-determine the compensation in terms of Section 28-A of the Land Acquisition Act 1894, which is inserted by Amendment Act 68 of 1984, one has to file application within a period of three months from the date of Award of the Court. But, in this case, the petitioners did not make application within the period of three months from the date of Award of the Reference Court in O.P.No. 129 of 1979, dated 16-11-1982 or judgment of this Court in A.S.No. 293 of 1984 and Batch, dated 5-7-1989. As such, the application itself is time barred, as it is not filed within the time indicated under Section 28-A of the Land Acquisition Act, 1894. In that view of the matter, no direction can be issued to consider the application of the petitioners.

The Writ Petition is accordingly dismissed. No costs.

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*JUSTICE R. SUBHASH REDDY*

DATED: 15-12-2004.

Msnr.